1 2 3 4 5 UNITED STATES DISTRICT COURT 6 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 7 STATE OF WASHINGTON; and STATE OF CASE NO. 2:25-cv-00602-JHC 8 OREGON, ORDER 9 Plaintiffs, 10 v. 11 DONALD J TRUMP, et al., 12 Defendants. 13 14 Before the Court are the parties' motions at Dkt. ## 37 & 64. Based on its review of the 15 briefing relating to the motions, the Court DIRECTS the parties to provide supplemental briefs to 16 address the following questions: 17 Plaintiffs shall address: 18 Under which cause (or causes) of action do Plaintiffs seek relief for each 1. 19 individual claim regarding Executive Order 14248 (EO)? To the extent Plaintiffs assert any non-20 ultra vires causes of action, please explain the cause(s) of action and provide a legal basis for the 21 claim(s). 22 23 24

Whether Plaintiffs have standing to challenge EO section 2(d) if, as Defendants

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Act. See Dkt. # 64 at 25. 3. Whether Plaintiffs challenge EO section 3(d) in its entirety or only section 3(d)(i). If Plaintiffs challenge section 3(d)(ii), please explain briefly how the challenge is justiciable.

contend, the provision applies only to federal agencies under the National Voter Registration

- 4. Whether a favorable ruling on Plaintiffs' challenge to EO section 4(b) would moot Plaintiffs' section 4(d) claim and, if not, why Plaintiffs' 4(d) challenge should still survive Defendants' motion to dismiss.
- 5. Whether Plaintiffs request an injunction regarding EO section 7(a) in its entirety or only as to specific applications. See, e.g., California v. Trump, No. 25-CV-10810-DJC, 2025 WL 1667949, at *14 (D. Mass. June 13, 2025) (enjoining the Attorney General from taking civil and criminal enforcement actions but declining to enjoin "all applications" of section 7(a)). To the extent Plaintiffs request a total injunction, please explain briefly why any and all applications of section 7(a) are unlawful and should be enjoined.
- 6. Whether Plaintiffs still agree to dismissal of their challenges to EO sections 2(b)(iii), 2(e)(ii), and 5(b), considering Defendants' clarifications in their reply. See Dkt. # 113 at 116. To the extent Plaintiffs no longer agree to dismissal, please explain why the claims should not be dismissed.
- 7. Whether this Court can, consistent with the Supreme Court's decision in *Trump v*. CASA, Inc., 606 U.S. 831 (2025), issue Plaintiffs' requested relief, specifically with respect to EO sections 2(a) and 4(b).
- 8. Whether Plaintiffs oppose dismissal of Claim 6 (Violation of the Article II, Section 3 of the U.S. Constitution), see Dkt. # 1 at 41, and if so, whether this Court can, consistent with the political question and other justiciability doctrines, review this claim.

9. Whether Plaintiffs oppose dismissal of Claim 3 (Constitutional Right to Vote), *see* Dkt. # 1 at 37, and if so, on what basis do Plaintiffs assert standing.

Defendants shall address:

- Whether this Court must accept Defendants' interpretation of EO section 2(d), particularly when this position was not advanced in similar litigation. See California, 2025 WL 1667949.
- 2. Whether Defendants agree with Plaintiffs' interpretation of EO section 4(b)(ii), i.e., that section 4(b)(ii) requires the EAC "to decertify all presently certified voting systems unless they are formally recertified under the President's preferred standards," *see* Dkt. # 103 at 8, resulting in mandatory decertification of all federally certified voting systems at some point in time. If Defendants disagree, please explain your alternative interpretation of the decertification directive contained in section 4(b)(ii).
- 3. Whether Defendants oppose this Court granting Plaintiffs' requested relief should the Court reject Defendants' substantive arguments and grant summary judgment on all or some of Plaintiffs' claims.

The parties' briefs shall be filed no later than Friday, October 3, 2025. Each side may file response briefs, which shall be filed no later than Friday, October 10, 2025. Each brief shall not exceed 4,200 words.

The Court DIRECTS the Clerk to renote the motions at Dkt. ## 37 & 64 for October 10, 2025.

Dated this 19th day of September, 2025.

John H. Chun

United States District Judge

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